

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

DEMETRIUS WRIGHT,
LUIS VELEZ,

Plaintiffs, on
on behalf of themselves and all others similarly situated,

Civil Action No.: 08CV3172
(DC)(ECF)

AFFIDAVIT OF
LUIS VELEZ

-against-

BRAE BURN COUNTRY CLUB, INC.,
STEVEN VANDO, individually and as General Manager
of Brae Burn Country Club,
MARIA CONTE, individually and as Controller
of Brae Burn Country Club,

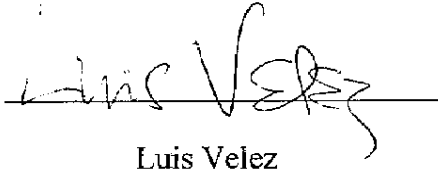
Defendants.

-----X

LUIS VELEZ, being sworn states:

1. I am a Plaintiff in the instant action, and a former, full-time employee of Defendant Brae Burn Country Club ("Brae Burn") as a maintenance worker from April 2006 until December 2006.
2. My employment was covered by a collective bargaining agreement between my union, Local 32BJ, SEIU; and Brae Burn.
3. I was paid \$9.00 per hour for the duration of my employment.
4. Throughout my tenure, I worked long hours, some of which occurred before I punched in or after I punched out.
5. Our supervisors gave us unclear directions about schedules and time clock procedures.
6. I often worked twelve (12) hour days, including split shifts or double shifts.

7. During my tenure I sometimes suspected I had worked more hours than I was paid for, and upon comparing my paystubs and timecards, there are substantial hours on the latter that do not appear on the former, and some dates have no punch in or punch out time. (Attached as Exhibit "1").
8. Some of the attached time records show that Defendant Brae Burn's management crossed out entries and entered their own.
9. I sometimes got called in to work on my days off.
10. Also throughout my tenure, Defendant Brae Burn provided me and other employees with two meals per day – lunch and/or dinner, at various times depending on daily workload.
11. The meals we ate sometimes consisted of surplus food that was for Brae Burn's members that had been served on that date and time.
12. My duties sometimes required me to work through meal and break periods.
13. Sometimes I worked the same shifts as Demetrius Wright, and sometimes I ate meals with him.
14. During my tenure, I saw and heard my co-workers, including Demetrius Wright, receive similar treatment by Brae Burn.


Luis Velez

Sworn to before me this 3rd
day of SEPT. 2008

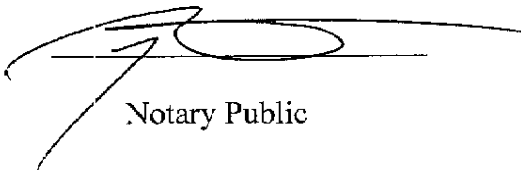

Notary Public

EXHIBIT 1

EXHIBIT 1

Case 1:08-cv-03172-DO Document 32
CC FILED BY: CLERK NUMBER 111
FFB 090541 310 0041810965 1

Filed 09/06/2008 Page 4 of 7
Earnings Statement



BRAE BURN COUNTRY CLUB
BRAE BURN DRIVE
PURCHASE, NEW YORK 10577
PAYROLL ACCOUNT

Period Ending: 09/03/2006
Pay Date: 09/07/2006

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 4
State: 4

LUIS VELEZ
333 WILLETT AVE
PORT CHESTER, NY 10573

Social Security Number: XXX-XX-7984

Earnings	rate	hours	this period	year to date
Regular	9.0000	40.00	360.00	
Overtime	13.5000	10.00	135.00	
Gross Pay			\$495.00	4,673.25

Deductions	Statutory		
	Federal Income Tax	-8.73	39.12
	Social Security Tax	-30.69	289.74
	Medicare Tax	-7.18	67.76
	NY State Income Tax	-12.21	92.63
	NY SUI/SDI Tax	-0.60	7.20
	Other		
	Dues		58.00
	Net Pay	\$435.59	

Your federal taxable wages this period are \$495.00

© 1991 ADP, Inc.



IMPORTANT: Duplicate card numbers must NOT be used within a pay period

www.pyramidtechnologies.com
PTJ 44100-10 REV. 1
© 2001 PYRAMID TECHNOLOGIES, LLC



Earnings Statement

Period Ending: 09/10/2006
Pay Date: 09/14/2006

LUIS VELEZ
333 WILLETT AVE
PORT CHESTER, NY 10573

CO. FILE DEPT. CLOCK NUMBER 040
FPB 090541 310 0041827704 1

BRAE BURN COUNTRY CLUB
BRAE BURN DRIVE
PURCHASE, NEW YORK 10577
PAYROLL ACCOUNT

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 4
State: 4

Social Security Number: XXX-XX-7984

Earnings	rate	hours	this period	year to date
Regular	9.0000	40.00	360.00	
Overtime	13.5000	14.50	195.75	
Hol			8.00	
Gross Pay			\$563.75	5,237.00

Deductions	Statutory	
Federal Income Tax	-15.61	54.73
Social Security Tax	-34.95	324.69
Medicare Tax	-8.18	75.94
NY State Income Tax	-16.26	108.89
NY SUI/SDI Tax	-0.60	7.80
Other		
Dues	-40.00	98.00
Net Pay	\$448.15	

Your federal taxable wages this period are \$563.75

Cristian	10.00					10.00	10.00	
Danielle	10.00					10.00	10.00	
Laura								

Luis Velez
September 10, 2006

NAME

PAY PERIOD EN

SIGNATURE

TOTAL HOURS		OFFICE USE	DATE AND TIME	PAYA TIN
R.T.	O.T.			
40	14 1/2	9	SEP 4 12:20PM *IN* MI	
			SEP 4 10:34PM 10:15 10:	
			SEP 6 11:11AM *IN* MI	
			SEP 6 10:01PM 10:45 21:	
		9	SEP 7 11:14AM *IN* TH	
			SEP 7 8:45PM 7:30 28:	
			SEP 8 7:17AM *IN* FR	
			SEP 8 7:00PM 11:30 40:	
		8	SEP 9 9:22AM *IN* SE	
			SEP 9 9:05PM 11:45 51:	
			SEP10 11:13AM *IN* SL	
			SEP10 10:23PM 11:15 63:	
		9 1/2		
		10		
		9		

IMPORTANT: Duplicate card numbers must NOT be used within a pay period

www.pyramidechnologies.com
PTI 44100-10 REV.
© 2001 PYRAMID TECHNOLOGIES, LLC